

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA) Case No. 1:16-mj-178
)
vs.) Charging District No. 2:16-cr-1(002)
)
DAVID PECOR) Judge Steger

MEMORANDUM AND ORDER

Defendant David Pecor (“Defendant”) came before the Court on August 8, 2016, in accordance with Rules 5, 5.1 and 32.1 of the Federal Rules of Criminal Procedure, on a Petition for Action on Conditions of Pretrial Release (the “Petition”) out of the Middle District of Tennessee.

After being sworn in due form of law, Defendant was informed or reminded of his privilege against self-incrimination under the 5th Amendment and his right to counsel under the 6th Amendment to the United States Constitution.

The Court determined that Defendant wished to be represented by an attorney and that he qualified for the appointment of an attorney to represent him at government expense. Consequently, the Court APPOINTED Anthony Martinez of Federal Defender Services of Eastern Tennessee, Inc. to represent Defendant at the hearing.

Defendant was furnished with a copy of the Petition and confirmed that he had an opportunity to review the Petition with his attorney. The Court determined that Defendant was capable of being able to read and understand the Petition. At the Court’s request, AUSA Michael Porter explained to Defendant the offenses detailed in the Petition. Defendant acknowledged that he understood the offenses with which he is charged in the Petition. The Government moved the Court to detain Defendant without bond pending further proceedings.

The Court provided a Waiver of Rule 32.1 Hearing form (“Waiver”) to Defendant which explained Defendant’s right to counsel; right to an identity hearing; right to copies of the judgment, warrant and warrant application; right to a preliminary hearing; and right to a detention hearing. The Court explained to Defendant that he had a right to transfer these proceedings to the prosecuting district, which, in this case, is the Middle District of Tennessee.

Following consultation with his counsel, Defendant agreed to waive an identity hearing, production of the judgment, warrant and warrant application, and a detention hearing or preliminary hearing, which he confirmed through his signature on the Waiver [Doc. 5].

It is, therefore, ORDERED that:

1. The Government's motion that Defendant be DETAINED WITHOUT BOND pending further proceedings in the Middle District of Tennessee is **GRANTED**.
2. The U.S. Marshal shall transport Defendant to the United States District Court for the Middle District of Tennessee.
3. The Clerk of Court for the Eastern District of Tennessee shall promptly transmit all documents relating to this case to the Clerk of Court for the Middle District of Tennessee.
4. The Clerk of Court for the Middle District of Tennessee shall immediately notify the United States Attorney for such district of Defendant's arrival so that further proceedings may be promptly scheduled.

ENTER.

s/Christopher H. Steger
UNITED STATES MAGISTRATE JUDGE